



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,980	07/31/2002	Alberto Sollberger	Q65257	4326

23373 7590 09/26/2005

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

HANNE, SARA M

ART UNIT PAPER NUMBER

2179

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,980

Applicant(s)

SOLLBERGER ET AL.

Examiner

Sara M. Hanne

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/10/01, 7/31/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: spelling error in Line 1: "only a first po0rtion". Appropriate correction is required.
2. Claim 13 objected to because of the following informalities: in Line 6, the recitation: "controlled by a view". Examiner believes the intended term is "viewer". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23, 25 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke, US Patent 6026377
5. As in Claims 1, 9 and 23, Burke teaches a method and computer-readable medium in a computer system for receiving a data query from the user (Col. 7, lines 1 et seq.), providing the data query to a first data repository (Fig. 1 and corresponding text), communicating results of a data query made to a data repository, comprising receiving the results of the data query (selecting a store 59, Col. 7 and retrieving data from store

database 61) matching the data query and the results of the data query with presentation parameters stored in a second data repository (Ref. 56 and 52), combining the matched parameters stored in the second data repository and the results of the data query to develop a two-dimensional (Col. 7, lines 59-61) landscape including listed objects (listed objects are the product groups 104, Col. 7 line 50), converting the two-dimensional landscape to a three-dimensional landscape including virtual objects (step 124 and corresponding text), and presenting the three dimensional landscape for viewing on a viewing device (step 126, Fig. 13 with corresponding text).

As in Claim 2 and 10, Burke teaches the virtual objects are related to the listed objects by the parameters stored in the second data repository (Col. 7, line 61 et seq.).

As in Claim 3 and 11, Burke teaches the virtual objects are related to characteristics of the data query (virtual objects belong to the query group).

As in Claim 4 and 12, Burke teaches the virtual objects are related to the contents of the results of the data query (Col. 7, line 1 et seq.).

As in Claim 5, 13 and 29, Burke teaches only a first portion of the results of the data query are presented in the three dimensional landscape, and further comprising: dynamically changing the three dimensional landscape that is presented on the viewing device in response to signals received from an input device controlled by a viewer of the three dimensional landscape (Col. 7, line 55 et seq.).

As in Claim 6 and 14, Burke teaches dynamically changing the three dimensional landscape comprises removing first virtual objects from and adding second virtual objects to the three dimensional landscape (Col. 10, line 58 et seq.).

As in Claim 7 and 15, Burke teaches the input device is a computer mouse (Col. 5, lines 52-53).

As in Claim 8 and 16, Burke teaches the three dimensional landscape can change relative position in any of the three dimensions (Col. 9, line 16 et seq.).

As in Claim 17, Burke teaches a data retrieval system for storing a plurality of data and including means to retrieve selected portions of the stored data (Col. 6, line 44-46) a query request interpreter coupled to the data retrieval system and structured to format a data request received in a first form to a second form, and to present the second form to the data retrieval system a repository of virtual landscape aspect parameters (Col. 7, lines 1 et seq.), an aspect construction facilitator coupled to the repository of virtual landscape aspect parameters and structured receive both the second form of the data request and the request results generated therefrom (Col. 7, line 51 et seq.), and structured to select a group of landscape parameters from the repository of virtual landscape aspect parameters that are related to at least one of the second form of the data request and the request results generated therefrom, and to convert the group of landscape parameters into a group of data objects (Col. 7, lines 60-67) and a display preparation facility structured to accept the group of display objects and prepare a three-dimensional landscape therefrom (step 126, Fig. 13 with corresponding text).

As in Claim 18, Burke teaches the data retrieval system, the a repository of virtual landscape aspect parameters, and the aspect construction facilitator are located in a server computer, and the server computer further includes a data communicator

structured to accept the data request received in the second form over a communication link (Fig. 1 and corresponding text).

As in Claim 19, Burke teaches the query request interpreter and the display preparation facility are located in a client computer, and the client computer further includes a data communicator structured to receive the group of display objects over a communication link (Fig. 5 and corresponding text).

As in Claim 20, Burke teaches the client computer includes a user interface on which the three-dimensional landscape is displayed (step 126, Fig. 13 with corresponding text).

As in Claim 21, Burke teaches the communication link is wireless (Col. 5, line 38, et seq.).

As in Claim 25, Burke teaches the data query is a list of objects offered for sale (Col. 3, line 45 et seq.).

As in Claim 27, Burke teaches the three-dimensional landscape includes three-dimensional representations of some of the objects offered for sale (Fig. 10, ref. 216 and corresponding text).

As in Claim 28, Burke teaches the three-dimensional landscape represents a virtual store including at least some of the objects offered for sale (Col. 3, line 45 et seq.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2179

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke, US Patent 6026377

As in Claims 22 and 24, Burke discloses a 3 dimensional product purchasing interface as described *supra* using a modem and telephone lines to transport data over a network (Col. 5, line 56 et seq.). Burke fails to teach the user-viewing device is coupled to the World Wide Web as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use the invention of Burke for selling objects over a network using a 3 dimensional interface to access the World Wide Web as the network. One would have been motivated to make such a combination because a universal interface would have been obtained.

As in Claim 26, Burke discloses a 3 dimensional product purchasing interface as described *supra*. Burke fails to teach objects offered for rent as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to use the invention of Burke for selling objects over a network using a 3 dimensional interface to also rent objects over the network using a similar interface. One would have been motivated to make such a combination because a product renting interface would have been obtained.

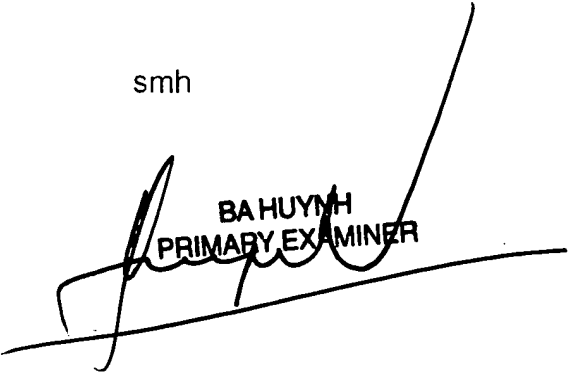
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh


BA HUYNH
PRIMARY EXAMINER